IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**
**WRIT PETITION NO : 1184 of 2005**

Dated 25th January 2007

Between
St. John's Upper Primary School,
Rep. By its Secretary & Correspondent
R.Shanmukha Chary, and, ors

....Petitioners

and

State of Andhra Pradesh,
Rep. By Principal Secretary,
School Education, Secretariat,
Hyderabad and ors.

...Respondents

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 1184 of 2005**

**ORDER:**

The petitioners, private schools in Warangal district, have filed this Writ Petition questioning the impugned orders passed by the Commissioner and Director of School Education, Andhra Pradesh, rejecting the proposals forwarded by the District Educational Officer for admission of posts into grant-in-aid. Though individual orders are passed, in all the cases of the petitioners, rejection was mainly on the ground that the managements have not

obtained approval of appointments made by them while filling-up the un-aided posts.

The admission of posts to grant-in-aid is governed by the A.P. Private Educational Institutions Grant-in-Aid (Regulation) Act, 1988, ( Act 22 of 1988), and, the instructions issued by the Government from time to time. The government in Memo No.11454/PS-2/2003-1, dated 22-07-2003, with reference to the representation made by the Secretary, Warangal District Aided Schools Managements Association, has clarified stating that there is no provision in the Act 22 of 1988 to take approval of appointments made in unaided posts for considering the proposal in High Level Committee for admission of posts into grant-in-aid. Though in the impugned order, apart from the said ground, it is stated that other conditions prescribed in the Rules were not complied, but, however, while rejecting the request of the petitioner, no reasons are indicated as to which conditions, the petitioners-schools have not complied with for admission of posts into grant-in-aid.

It is to be seen, the proposals submitted by the petitioners-schools for admission of some posts of teaching and non-teaching into grant-in-aid were forwarded by the fourth respondent to second respondent. Whether an individual is eligible or not for appointment to aided or un-aided vacancies is not relevant for consideration as to admission of the posts to grant-in-aid. For admission of posts into grant-in-aid, what is required to be considered is the eligibility having regard to the proposals sent in this

regard. Whether a post can be admitted to grant-in-aid or not cannot be considered basing on the correctness or otherwise of the appointments made to un-aided posts. While it is open for the respondents to scrutinize the proposals sent for admission of posts to grant-in-aid, the ground that approval of the appointments was not obtained while filling up the un-aided vacancies is no ground at all to reject the proposals. The reasons assigned in the impugned order run contrary to the very memo issued by the Government in Memo No.11454/PS-2/2003-1, dated 22-07-2003. Even in the counter affidavit filed on behalf of the respondents, except reiterating the stand taken in the impugned order, no reasons were assigned for rejection of the proposals.

In that view of the matter, the impugned orders rejecting the request of the petitioners for admission of posts to grant-in-aid is set aside. The respondents are directed to place the proposals forwarded by the fourth respondent before the High Level committee constituted for admission of posts into grant-in-aid. However, it is made clear that such consideration shall be in accordance with the provisions of the Act 22 of 1988, the government orders issued in this regard from time to time, and subject to eligibility of posts.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

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*JUSTICE R. SUBHASH REDDY*

DATE: 25-01-2007.
Msnr.

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